

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

TERRENCE DUNSON,

Plaintiff,

v.

HEATHER SHIRLEY, et al.,

Defendants.

Case No.: 1:23-cv-0506 JLT SKO (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS TO DISMISS ACTION  
FOR PLAINTIFF'S FAILURE TO OBEY  
COURT ORDERS AND FAILURE TO  
PROSECUTE

(Doc. 6)

Terrence Dunson, along with 17 other state prisoners, was originally a plaintiff in a civil rights action entitled *Thomas, et al., v. Shirley, et al.*, Case No.1:23-cv-00470-BAM (PC). On April 5, 2023, the claims of the individual plaintiffs were severed and the Clerk of Court was directed to open a separate action for Dunson's claims, thereby initiating this action. (Doc. 1.) Dunson was directed to file a signed complaint or notice of voluntary dismissal within 45 days, or not later than May 24, 2023. (*See id.* at 4.) Dunson did not respond to the Court's order.

On May 31, 2023, the magistrate judge found Dunson failed to comply with the Court's order and, in so doing, failed to prosecute this action. (Doc. 6.) Therefore, the magistrate judge recommended the action be dismissed without prejudice. (*Id.* at 4.) The Findings and Recommendations were served on Dunson by mail on May 31, 2023, and contained a notice that any objections were due within 14 days of the date of service. (*Id.*) In addition, the Court advised Dunson the "failure to file objections within the specified time may result in waiver of his

rights on appeal.” (*Id.*, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014); *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991).) To date, no objections have been filed and the time to do so has expired.

According to 28 U.S.C. § 636(b)(1)(C), the Court conducted a de novo review of the case. Having carefully reviewed the matter, the Court concludes the Findings and Recommendations are supported by the record and proper analysis. Accordingly, the Court **ORDERS**:

1. The Findings and Recommendations issued on May 31, 2023 (Doc. 6) are **ADOPTED** in full.
2. This action is **DISMISSED** without prejudice.
3. The Clerk of Court is directed to close this case.

IT IS SO ORDERED.

Dated: **June 21, 2023**

  
UNITED STATES DISTRICT JUDGE